



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GROVER SELLERS
ATTORNEY GENERAL

Honorable Weaver H. Baker
Chairman, State Board of Control
Austin, Texas

Dear Sir:

Opinion No. 0-7109
Re: Sale of the State-owned
Tribune Building to the
American Legion.

Your letter requesting an opinion of this department
is as follows:

"The Board of Trustees of the American Legion
came in Saturday and presented a proposal to pur-
chase the Tribune Building for \$850,000.00.

"The State Board of Control is of the opinion
that it is a definite credit to the American Legion
that they are willing to purchase a facility for
service to ex-members of the armed forces instead
of asking the Legislature to make them a donation,
as has been done in many States. For that reason,
insofar as it can be done, and subject to the
legislative confirmation, as well as confirmation
of the annual convention of the American Legion,
this Board is inclined to enter into such an
agreement.

"It is not our understanding that the Legisla-
tive and Advisory Council has any duty in the matter
of a proposed sale of State property, but we would
be glad to have your opinion officially, or un-
officially, as to what you think of this proposition."

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We are in full accord with your extra-official statement commending the American Legion for its willingness to purchase a building for service to ex-members of the armed forces, and likewise we are in accord with your understanding of the limitations upon the powers of the Legislative and Business Council created by H. B. No. 301 of the 49th Legislature (1945).

Section 17, of House Bill No. 301, is as follows:

"Sec. 17. The State Board of Control is hereby authorized to negotiate as soon as possible for the purchase for the State of Texas the Tribune Building in the City of Austin, Texas, and the real estate upon which said building is located, as well as all other land and improvements pertaining thereto, or used in connection therewith for parking purposes or for any other purpose, from the owners thereof, at a cost not to exceed the estimate fixed, after due appraisal by the State Engineers, and only then upon the approval of a majority of the following: The Speaker of the House, a Member of the House to be selected by the Speaker of the House, the Lieutenant Governor, a Member of the Senate to be selected by the Lieutenant Governor, the Attorney General of Texas, and the Chairman of the Board of Control."

It is quite clear that the Council was created for the sole purpose of approving or disapproving the purchase by the State of the Tribune Building in the City of Austin. That building has been duly purchased and the Council has approved the transaction and has therefore functioned to the extent of its authorized powers.

Indeed, we fail to find any authority in the statutes or the decisions authorizing the Board to enter into any character of contract for the sale of State owned land such as the Tribune Building. Such a contract as you propose cannot possibly bind the State in any respect whatever.

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Yours very truly,

ATTORNEY GENERAL OF TEXAS

Ernest S. Bell
ATTORNEY GENERAL OF TEXAS

By

Ocie Speer
Ocie Speer,
Assistant.

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